

### REMARKS

Claims 1-8, 13-25 and 30 are pending in the present application. Reconsideration of the claims is respectfully requested.

I. **35 U.S.C. § 102, Alleged Anticipation, Claims 1-5, 7, 8, 13, 15, 17-22 and 24-30**

The Office Action rejects claims 1-5, 7, 8, 13, 15, 17-22 and 24-30 under 35 U.S.C. § 102(e) as being anticipated by Beall et al. (U.S. Patent No. 6,169,992 B1). This rejection is respectfully traversed.

As to claims 1, 13, 18 and 30, the Office Action states:

Regarding claim 1, a method in a data processing system (Beall: Figure 1, tags 112, 118; clients; col. 18, lines 54-62; Figure 8) for communicating across a firewall with a host (Beall: col. 22, lines 17-26), the method comprising:

simulating a browser in the data processing system to form a simulation (Beall: col. 12, lines 50 – col. 13, line 5), wherein the browser being simulated is able to communicate through the firewall (Beall: col. 22, lines 40-53), and wherein simulating the browser includes preparing an encoded data stream similar to one that is sent by an actual browser (Beall: col. 12, lines 61-67; col. 3, lines 39-41); and

communicating with the host directly using the simulation instead of using the browser (Beall: col. 12, lines 50- col. 13, line 5), wherein the step of communicating with the host includes sending a message in which a header field is set to specify the type of data in the body of the message (Beall: col. 18, lines 63- col. 19, line 21; message is the packet, header field Figures 9, 11, tag 5110; packet type, tag 5102).

Office Action dated August 2, 2004, page 3.

Claim 1, which is representative of the other rejected independent claims 13, 18 and 30 with regard to similarly recited subject matter, reads as follows:

1. A method in a data processing system for communicating across a firewall with a host, the method comprising:

simulating a browser in the data processing system to form a simulation, wherein the browser being simulated is able to communicate through the firewall, and wherein simulating the browser includes preparing an encoded data stream similar to one that is sent by an actual browser; and

communicating with the host directly using the simulation instead of using the browser, wherein the step of communicating with the host includes sending a message in which a header field is set to specify the type of data in the body of the message.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 21 U.S.P.Q.2d 1031, 1034 (Fed Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). Applicants respectfully submit that Beall does not teach every element of the claimed invention arranged as they are in the claims. Specifically, Beall does not teach simulating a browser in the data processing system to form a simulation, wherein the browser being simulated is able to communicate through the firewall, and wherein simulating the browser includes preparing an encoded data stream similar to one that is sent by an actual browser, and communicating with the host directly using the simulation instead of using the browser.

Beall is directed to a system for remotely accessing database management systems and performing guided iterative queries of knowledge bases. The Beall system includes a Web browser and executable content client. A Krakatoa proxy server, socket, and tunnel establish a mechanism for remote procedure calls through firewalls via an HTTP server. Guardrail counts are preferably displayed to the remote searcher to facilitate guided iterative queries of the remote knowledge base. A configurable graphical action region is preferably provided to the remote searcher via a graphical user interface to provide powerful navigation and linking of diverse useful information which varies based upon contexts selected by the remote searcher.

Beall does not teach the simulation of a browser where the simulated browser is able to communicate through a firewall. The Office Action alleges that these features are taught at column 12, line 50 to column 13, line 5 and column 22, lines 40-53, which read as follows:

FIG. 4 is a flow chart showing steps in an overall process that may be performed according to the embodiment illustrated in FIG. 3. Referring to FIG. 4, a user interacts with an executable content capable web browser in step 4100, and chooses to search a knowledge base 4002 in step 4101. This choice in step 4101 results in the automatic download of executable content or an applet 4017 in step 4102 which may become the client side of the retrieval application 4016. The retriever client 4016 opens connection to the knowledge base server using executable content based remote procedure calls in step 4103. The retriever client 4016 opens the knowledge base server 4013 in step 4104. In step 4105, the user interacts through a graphical user interface embodied in the client retriever 4016 to navigate a class hierarchy of the associated knowledge base 4012, set attribute query selectors, display matching instances, and run other executable content associated with classes, attributes, standard values of attributes, and instances.

Referring to FIG. 4, in step 4106, when finished, the user closes the knowledge base 4002. In step 4107, the knowledge base server 4001 closes connection to the user's retriever client 4003, returning control to the Web browser 4014.

(Column 12, line 50 to column 13, line 5)

The present invention uses a mechanism, referred to as "tunneling," as one feature to permit the http protocol to be used to transfer a RPC request and response data as plain text through the http servers 5127 and 5123. The present method employs a common gateway interface ("CGI") tunnel mechanism 5129 behind the http server 5127 to interpret a request, forward it, and encode a reply that is returned to an executable content client 5121. A CGI tunnel 5129 is invoked through a universal resource locator or URL that has attached arguments. The CGI tunnel 5129, once started, receives the arguments through a command line. The arguments are extracted by the CGI tunnel 5129 for transfer to a Krakatoa proxy server 5128 via a socket 5021.

(Column 22, lines 40-53)

In column 12, line 50 to column 13, line 5, Beall clearly teaches that a user interacts with an executable content capable web browser in order to choose a knowledge base in which to search. The executable content capable web browser of Beall is not a simulation of a browser. While in column 22, lines 40-53, Beall may teach the communication of the executable content capable web browser through a firewall, this section does not teach simulating a browser in the data processing system to form a simulation.

Additionally, Beall does not teach where simulating the browser includes preparing an encoded data stream similar to one that is sent by an actual browser. The

Office Action alleges that this feature is taught at column 12, lines 61-67 and column 3, lines 39-41, which read as follows:

In step 4105, the user interacts through a graphical user interface embodied in the client retriever 4016 to navigate a class hierarchy of the associated knowledge base 4012, set attribute query selectors, display matching instances, and run other executable content associated with classes, attributes, standard values of attributes, and instances.

(Column 12, lines 61-67)

The present invention reduces or eliminates time consuming transmission of unnecessary digital information over the communications circuit and allows access to information in a database in conjunction with executable applets while providing the ability to navigate and access resources available over the communications circuit.

(Column 3, lines 34-41)

As discussed above, Beall does not teach simulating a browser in the data processing system to form a simulation. Moreover, neither of these sections teaches preparing an encoded data stream similar to one that is sent by an actual browser to be used in the browser simulation.

Furthermore, Beall does not teach communicating with a host directly using the simulation instead of using the browser. The Office Action alleges that this feature is taught at column 12, line 50 to column 13, line 5 and column 22, lines 40-53, shown above. As discussed above, Beall clearly teaches that a user interacts with an executable content capable web browser in order to choose a knowledge base in which to search. Thus, Beall teaches communication with a host using the executable content capable web browser and not a simulation of a browser.

Thus, Beall does not teach each and every feature of independent claims 1, 13, 18 and 30 as is required under 35 U.S.C. § 102. At least by virtue of their dependency on independent claims 1, 13 and 18, the specific features of dependent claims 2-5, 7, 8, 15, 17, 19-22, 24 and 25 are not taught by Beall. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-5, 7, 8, 13, 15, 17-22 and 24-30 under 35 U.S.C. § 102.

Furthermore, Beall does not teach, suggest or give any incentive to make the needed changes to reach the presently claimed invention. Absent the Examiner pointing

out some teaching or incentive to implement Beall such that a browser is simulated in a data processing system to form a simulation, where the browser being simulated is able to communicate through the firewall, and where simulating the browser includes preparing an encoded data stream similar to one that is sent by an actual browser, and communicating with the host directly using the simulation instead of using the browser, one of ordinary skill in the art would not be led to modify Beall to reach the present invention when the reference is examined as a whole. Absent some teaching, suggestion or incentive to modify Beall in this manner, the presently claimed invention can be reached only through an improper use of hindsight using the Applicants' disclosure as a template to make the necessary changes to reach the claimed invention.

Moreover, in addition to their dependency from independent claims 1, 13 and 18, the specific features recited in dependent claims 2-5, 7, 8, 15, 17, 19-22, 24 and 25 are not taught by Beall. For example, with regard to claims 2 and 19, Beall does not teach the simulating and communicating steps are performed by an applet. The Office Action alleges that this feature is taught at column 12, lines 52-57, shown above. As discussed above, Beall teaches that a user interacts with an executable content capable web browser in order to choose a knowledge base in which to search. The executable content capable web browser of Beall is not a simulation of a browser. Thus, while Beall may teach communicating via an applet, Beall does not teach simulation of a browser by an applet.

Additionally, with regard to claims 5 and 22, Beall does not teach simulation of the browser including the creation of a universal resource locator connection with the host. The Office Action alleges that this feature is taught at column 22, lines 41-53, shown above, and column 11, line 54 to column 12, line 4, which read as follows:

In FIG. 2, a knowledge base server 4001 is shown connected to the communications circuit 4000. The knowledge base server 4001 maintains a database or knowledge base, preferably an object oriented knowledge base 4002. In the illustrated embodiment, the knowledge base server 4001 has a TCP/IP connection 4005 to the Internet 4000, although the present invention is not necessarily limited to any particular type of connection or protocol.

A plurality of user client applications 4003 and 4004 are connected to the communications circuit 4000. The user client application 4003 comprises a client operable to navigate network resources connected to the communications circuit 4000, such as the knowledge base server 4001. In the illustrated embodiment, the user client application 4003 comprises a

web browser 4003, and is connected to the Internet 4000 via a TCP/IP connection 4006. The web browser is preferably capable of retrieving HTML documents from servers (not shown) connected to the Internet.

(Column 11, line 54 to column 12, line 4)

In column 11, line 54 to column 12, line 4, Beall describes a TCP/IP connection that is used in connection with the executable content capable web browser. As discussed above, in column 22, lines 40-53, Beall describes communication of the executable content capable web browser through a firewall. Neither of these sections teaches the simulation of a browser or creating a universal resource locator connection between the simulated browser and the host.

Therefore, in addition to being dependent on independent claims 1, 13 and 18, dependent claims 2-5, 7, 8, 15, 17, 19-22, 24 and 25 are also distinguishable over Beall by virtue of the specific features recited in these claims. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 2-5, 7, 8, 15, 17, 19-22, 24 and 25 under 35 U.S.C. § 102.

## **II. 35 U.S.C. § 103, Alleged Obviousness, Claims 6 and 23**

The Office Action rejects claims 6 and 23 under 35 U.S.C. § 103(a) as being unpatentable over Beall et al. (U.S. Patent No. 6,169,992 B1) in view of Agranat et al. (U.S. Patent No. 5,973,696). This rejection is respectfully traversed.

Claims 6 and 23 are dependent on independent claims 1 and 18 and, thus, these claims distinguish over Beall for at least the reasons noted above with regards to claims 1 and 18. Moreover, Agranat does not provide for the deficiencies of Beall and, thus, any alleged combination of Beall and Agranat would not be sufficient to reject independent claims 1 and 18 or claims 6 and 23 by virtue of their dependency. That is, Agranat does not teach simulating a browser in the data processing system to form a simulation, wherein the browser being simulated is able to communicate through the firewall, and wherein simulating the browser includes preparing an encoded data stream similar to one that is sent by an actual browser, and communicating with the host directly using the simulation instead of using the browser.

Moreover, the Office Action may not use the claimed invention as an "instruction manual" or "template" to piece together the teachings of the prior art so that the invention is rendered obvious. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). Such reliance is an impermissible use of hindsight with the benefit of Applicants' disclosure. *Id.* Therefore, absent some teaching, suggestion, or incentive in the prior art, Beall and Agranat cannot be properly combined to form the claimed invention. As a result, absent any teaching, suggestion, or incentive from the prior art to make the proposed combination, the presently claimed invention can be reached only through an impermissible use of hindsight with the benefit of Applicants' disclosure a model for the needed changes.

In view of the above, Beall and Agranat, taken either alone or in combination, fail to teach or suggest the specific features recited in independent claims 1 and 18, from which claims 6 and 23 depend. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 6 and 23 under 35 U.S.C. § 103.

### **III. 35 U.S.C. § 103, Alleged Obviousness, Claims 14 and 16**

The Office Action rejects claims 14 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Beall et al. (U.S. Patent No. 6,169,992 B1) in view of LaBerge (U.S. Patent No. 6,041,380). This rejection is respectfully traversed.

Claims 14 and 16 are dependent on independent claim 13 and, thus, these claims distinguish over Beall for at least the reasons noted above with regards to claim 13. Moreover, LaBerge does not provide for the deficiencies of Beall and, thus, any alleged combination of Beall and LaBerge would not be sufficient to reject independent claim 13 or claims 14 and 16 by virtue of their dependency. That is, LaBerge does not teach simulating a browser in the data processing system to form a simulation, wherein the browser being simulated is able to communicate through the firewall, and wherein simulating the browser includes preparing an encoded data stream similar to one that is sent by an actual browser, and communicating with the host directly using the simulation instead of using the browser.

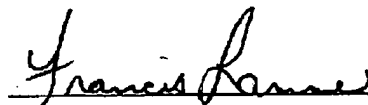
In view of the above, Beall and LaBerge, taken either alone or in combination, fail to teach or suggest the specific features recited in independent claim 13, from which claims 14 and 16 depend. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 14 and 16 under 35 U.S.C. § 103.

#### IV. Conclusion

It is respectfully urged that the subject application is patentable over the prior art of record and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

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